

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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SERGEY ALEJNIKOV,

Plaintiff,

No. 12 Civ. 5994

v.

**ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION**

THE GOLDMAN SACHS GROUP, INC.,

Defendant.

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THIS MATTER having come before the Court on the application of Plaintiff, Sergey Aleynikov (“Aleynikov”), through his attorneys, Marino, Tortorella & Boyle, P.C. (“MTB”) (Kevin H. Marino, Esq., appearing), for a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a) and Local Civ. R. 65.1, directing Defendant, The Goldman Sachs Group, Inc. (“Goldman Sachs”), to advance attorneys’ fees and expenses Plaintiff incurs, beginning with a retainer of \$500,000 (or such other amount the Court determines is fair and reasonable), to defend allegations brought against him in People v. Aleynikov, 2012-NY-60353, and any indictment resulting therefrom, for alleged violation of New York law in connection with his alleged theft of computer source code from Goldman Sachs (the “State Charges”), the claim being based upon Delaware General Corporation Law and the Amended and Restated By-Laws of Goldman Sachs; and the Court having considered Plaintiff’s Verified Complaint and application for Order to Show Cause, the Notice of Motion for Summary Judgment, Certification of Kevin H. Marino and the accompanying Memorandum of Law and Statement of Material Facts Not in Dispute; and good cause having been shown, it is hereby

ORDERED that Goldman Sachs show cause before this Court, at the U.S. Post Office & Courthouse Building, Federal Square, Newark, New Jersey 07101, Courtroom 8, on October 22, 2012 at 2:00 pm, or as soon as counsel may be heard, why an Order should not issue pursuant to Fed. R. Civ. P. 65(a) and Local Civ. R. 65.1, directing Defendant to advance the attorneys' fees and expenses Plaintiff incurs to defend the State Charges, beginning with the immediate payment of a retainer in the amount of \$500,000 (or such other amount the Court determines is fair and reasonable) to Marino, Tortorella & Boyle, P.C., counsel for Plaintiff; and it is

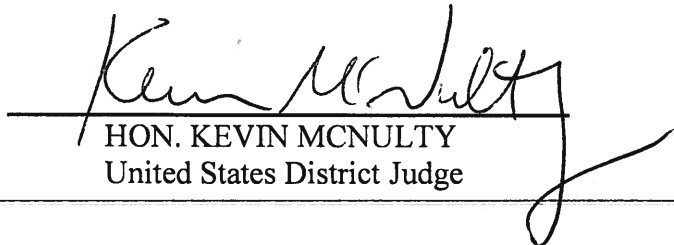
FURTHER ORDERED that the following briefing schedule shall apply:

- (i) Defendant's response papers: October 11, 2012
- (ii) Plaintiff's reply papers, if any: October 16, 2012;

and it is

FURTHER ORDERED that a copy of this Order, together with the papers upon which it is based, be personally served upon Defendants or their attorneys by email and overnight express mail on or before September 26, 2012 at 5:00 pm, and that such service be deemed good and sufficient service thereof, except that the foregoing shall not affect the necessity of proper service of the Summons and Complaint pursuant to Fed. R. Civ. P. 4.

Dated: September 25, 2012
Newark, New Jersey


HON. KEVIN MCNULTY
United States District Judge
